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Attorney for Defendants CITY OF ROCKLIN and DAVID
MOHLENBROK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO

RU HOGAN,

Plaintiff,

v.

CITY OF ROCKLIN; DAVID
MOHLENBROK; and DOES 1 through
100,

Defendants.

Case No.:

Complaint Filed: 11/1/2023

JOINT NOTICE OF REMOVAL OF ACTION

TO THE CLERK OF THE ABOVE-ENTITLED COURT

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1367, and 1441, Defendants City of Rocklin (“City”) and David Mohlenbrok (“Mohlenbrok”) (jointly, “Defendants”) hereby remove this action from the Superior Court of the State of California in and for the County of Placer, to the United States District Court for the Eastern District of California. This Court has federal question jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 because several of Plaintiff’s claims are asserted under federal law, and this Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over all state-law claims asserted in this action because those claims arise from the same case and controversy as the federal claims.

Background

1. On or about November 1, 2023, Plaintiff Ru Hogan (“Plaintiff”) commenced the aforementioned action against Defendants by filing a Complaint in the Superior Court of the State of California, County of Placer, entitled *Ru Hogan v. City of Rocklin, et al.*, Case No. SCV0051563

1 (the “State Court Action”). True and correct copies of Plaintiff’s Summons and Complaint are
2 attached to this Notice of Removal as Exhibit A.

3 2. The Complaint asserts several claims arising from Plaintiff’s keeping of hens on
4 her property located within the city limits of the City of Rocklin, from the City’s efforts to enforce
5 domestic animal regulations contained within the City of Rocklin Municipal Code, from Plaintiff’s
6 application for a variance from these regulations as a disability accommodation, and from the
7 City’s processing of and response to said application. (*See, e.g.,* Complaint ¶¶ 1-14.) In short,
8 Plaintiff alleges that Defendants, acting maliciously and with discriminatory intent, failed to
9 engage in an interactive process as required by law, engaged in a campaign of harassment to inflict
10 emotional distress and mental suffering on Plaintiff, and ultimately denied Plaintiff’s request for
11 accommodation. (*Ibid.*)

12 3. Defendants received the Summons and Complaint on November 22, 2024. The
13 cause for Plaintiff’s delay in serving Defendants for over one year after filing the Complaint is
14 unknown to Defendants.

15 4. Defendants have not filed any papers or pleadings in the State Court Action, nor
16 received any papers or pleadings other than those attached hereto as Exhibit A.

17 Venue

18 5. Venue lies in the United States District Court for the Eastern District of California,
19 pursuant to 28 U.S.C. §§ 84(c)(3) and 1441(a) because this Court’s territorial jurisdiction includes
20 Placer County, California, where the State Court Action was filed and is pending, and where the
21 events in question allegedly occurred.

22 Timely Removal

23 6. The filing of this Notice of Removal is timely as it has been filed within thirty (30)
24 days after service of the Summons and Complaint as required by 28 U.S.C. § 1446(b) and Federal
25 Rule of Civil Procedure 6.

26 7. This Notice of Removal is filed jointly by both Defendants, the City and
27 Mohlenbrok. Defendants designated as Does 1 through 100 fictitious defendants; Fictitious Doe
28

defendants are not required to join in a removal petition. *Fristoe v. Reynolds Metal Co.*, 615 F.2d 1209, 1213 (9th Cir. 1980).

Notice to Plaintiff

8. Concurrently with the filing of this Notice of Removal in this Court, Defendants will serve written notice of removal on Plaintiff's counsel and will file a copy of this Notice of Removal with the Clerk of the Superior Court of the State of California in and for the County of Placer, as required by 28 U.S.C. § 1446(d).

Grounds for Removal

9. This Court has original jurisdiction over this action under 28 U.S.C. §§ 1331 and 1367. Specifically, and as explained more fully below, this action involves claims arising under federal statutes, as well as state-law claims that are so related to federal claims in the action that they form part of the same case or controversy.

10. The Complaint lists four enumerated "causes of action", although one of them makes a claim under both federal and state law. Specifically, the Second Cause of Action alleges that Defendants engaged in "Housing Discrimination based on Race/Disability/National Origin" in violation of the federal Fair Housing Act and the California Fair Employment and Housing Act ("FEHA"). (Complaint, ¶¶ 19-23.) The Fair Housing Act claim is based on a federal statute, 42 U.S.C. § 3604, over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331. The Complaint does not differentiate between the claims asserted under the federal Fair Housing Act and the California FEHA, and so the two claims are patently part of the same "case or controversy" pursuant to 28 U.S.C. § 1367, giving this Court supplemental jurisdiction over the state-law claim.

11. The Third Cause of Action alleges that Defendants violated the Americans with Disabilities Act in its handling of Plaintiff's accommodation request. The Americans with Disabilities Act is a federal statute, 42 U.S.C. § 12101 *et seq.*, over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

12. The First Cause of Action alleges that Defendants "engaged in a campaign of harassment and mental cruelty" amounted to the tort of intentional infliction of emotional distress, and that Defendants did so "in order to manufacture a pretext for denial" of Plaintiff's

Liebert Cassidy Whitmore
 A Professional Law Corporation
 400 Capitol Mall, Suite 1260
 Sacramento, CA 95814

1 accommodation request. (Complaint, ¶¶ 15-18.) This claim directly, and expressly, relates to
 2 Plaintiff's request for accommodation and the Defendant's alleged failure to handle said request
 3 in good faith, which form the basis for Plaintiff's Second and Third Causes of Action. This claim
 4 therefore shares a common nucleus of operative facts with Plaintiff's Second and Third Causes of
 5 Action, over which this court has federal claim jurisdiction. Accordingly, these claims all form
 6 part of the same case or controversy pursuant to 28 U.S.C. § 1367, giving this Court supplemental
 7 jurisdiction over the state-law tort claim.

8 13. The Fourth Cause of Action alleges that Defendants acted negligently towards
 9 plaintiff by breaching a duty of care "to act in good faith in determining plaintiff's just requests"
 10 and thereby negligently inflicted emotional distress on Plaintiff. (Complaint, ¶¶ 27-30.) This claim
 11 does not assert any independent factual grounds but incorporates the same factual allegations as
 12 supporting the First, Second, and Third Causes of Action. It also expressly relates to Plaintiff's
 13 request for accommodation and the Defendant's alleged failure to handle said request in good faith,
 14 which form the basis for Plaintiff's Second and Third Causes of Action. This claim therefore shares
 15 a common nucleus of operative facts with Plaintiff's Second and Third Causes of Action, over
 16 which this court has federal claim jurisdiction. Accordingly, these claims all form part of the same
 17 case or controversy pursuant to 28 U.S.C. § 1367, giving this Court supplemental jurisdiction over
 18 the state-law tort claim.

19 For all of the foregoing reasons, Defendants City of Rocklin and David Mohlenbrok
 20 respectfully submit that the State Court Action is removable to this Court under 28 U.S.C. §§ 1331,
 21 1367, and 1441(a).

22 Dated: December 19, 2024

LIEBERT CASSIDY WHITMORE

23
 24
 25 By: /s/ Nathan T. Jackson
 26 Nathan T. Jackson
 27 Attorney for Defendants CITY OF
 28 ROCKLIN and DAVID MOHLENBROK

EXHIBIT A

SUMMONS
(CITACION JUDICIAL)

RECEIVED
NOV 22 2024
BY: *[Signature]*

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

City of Rocklin, David Mohlenbrok

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Ru Hogan

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLACER

NOV 01 2023

Jake Chatters
Executive Officer & Clerk
By: C. Waggoner, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en un formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Placer County Superior Court

10820 Justice Center Drive, Roseville, CA 95678

CASE NUMBER:
(Número del Caso):

SCV0051563

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Thomas M. Hogan, SBN 153926 942 Enterprise Drive, Suite B, Sacramento, CA 95825 (916)929-2255

DATE: NOV 01 2023

(Fecha)

Clerk, by

(Secretario)

C. Waggoner

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): City of Rocklin

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☒ CCP 416.90 (authorized person)

- ☐ by personal delivery on (date):

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Page 1 of 1
Code of Civil Procedure §§ 412.20, 465
www.courts.ca.gov

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SUMMONS (CITACION JUDICIAL)

RECEIVED
NOV 22 2024
BY: *[Signature]*

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

City of Rocklin, David Mohlenbrock

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Ru Hogan

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLACER

NOV 01 2023

Jake Chatters
Executive Officer & Clerk
By: C. Waggoner, Deputy

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SCV0051563

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Thomas M. Hogan, SBN 153926 942 Enterprise Drive, Suite B, Sacramento, CA 95825 (916)929-2255

DATE: NOV 01 2023

(Fecha)

Clerk, by
(Secretario)

C. Waggoner

Deputy
(Adjunto)

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under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☒ CCP 416.90 (authorized person)
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Thomas M. Hogan, SBN 153926
Law Office of Thomas M. Hogan
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Sacramento, California 95825
TEL: (916) 929-2255
FAX: (916) 929-0119
Email: Hogan@surewest.net
Attorney for Plaintiff

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLACER

NOV 01 2023

Jake Chatters
Executive Officer & Clerk
By: C. Waggoner, Deputy

IN THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLACER

SCV0051563

Ru Hogan

Plaintiff

Complaint
For Damages:
Intentional Infliction
Of Emotional Suffering
And/Or Distress, Negligent Infliction
of Emotional Suffering and/or
Distress Housing Discrimination,
Violation of State FEHA
Violation of Federal Housing and
Urban Development Act, Americans
With Disabilities Act
(Denial of Reasonable
Accommodation, Harassment of
Disabled Person, Retaliation)
Denial of Civil Rights:
Equal Protection

VS.

**Unlimited Civil
Demand exceeds \$25,000
Jury Trial Demanded**

City of Rocklin, David Mohlenbrok

Does 1-100

Defendants /

Plaintiff, Ru Hogan alleges the following:

- I. **Parties:** A. Plaintiff: Ru Hogan is an Asian Woman who resides in the City of Rocklin, California, County of Placer and sues as an individual over the age of 18 years old.
- B. Defendants are 1) **The City of Rocklin** is sued in its capacity as a government

Page 1 of 11

COMPLAINT FOR DAMAGES

Filed On Demand 11/1/23

1 entity whose officers, employees and/or contractors caused material harm to plaintiff.

2 **2) Community Director David Mohlenbrok as an individual for individual acts**
3 **of cruelty and malice and in his capacity as an official of the City of Rocklin.**

4 3) Defendants named as “Does” are persons unknown to plaintiff at this time but who
5 plaintiff believes are responsible for loss and injuries set forth below.

6
7 **II. Venue:** The events alleged occurred within the City of Rocklin, County of Placer.

8 **III. Jurisdiction:** Within the past 6 months Plaintiff has filed a claim under the California
9 Tort Claims Act (Government Code sect 810-996.6 et seq.) which claim has been
10 denied/rejected by the City of Rocklin. The acts set forth below constitute violations
11 of both State and Federal Law and raise a Federal Question regarding compliance
12 with the Americans with Disabilities Act and Federal Fair Housing Act and the
13 California Fair Employment and Housing Act (FEHA).
14

15 **IV. Statement of facts**

16 1. Plaintiff, Ru Hogan, is an Asian woman who has been diagnosed with a disability
17 which significantly impacts her ability to function and enjoy regular daily
18 activities. Additionally, on September 12, 2021 Ru Hogan was subjected to a race
19 based attack by a Caucasian assailant and beaten bloody. The assault began with
20 verbal abuse from the assailant and quickly escalated into a physical assault and
21 battery. The District Attorney for the County of Placer has filed a criminal
22 prosecution against the perpetrator for criminal battery in Placer County Superior
23 Court. As a result of this attack, Ru Hogan has been diagnosed with Post
24 Traumatic Stress Disorder. In order to cope with social isolation caused by her
25 work situation and the trauma of the assault, Ru Hogan was raising a small flock
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1 of hens (6 hens) in her backyard. She built a coop for the hens, trimmed their
2 lower wings to prevent their flight into neighboring properties and established a
3 run. The need and benefit of the hens, who she named and has been raising as
4 pets, has been documented by a licensed therapist who specializes in the treatment
5 of Post Traumatic Stress Disorder. All defendants as well as unnamed individuals
6 had actual knowledge of these facts at the time they undertook retaliatory and/or
7 discriminatory acts against plaintiff.
8

9 2. On or about February 7, 2022, a neighbor on adjacent property (Bedford Jay
10 Williams) demanded the hens be removed. In response, Plaintiff moved her hen
11 coop back to approximately 20 feet from the property line in order to give the
12 complaining neighbors the space required under City of Rocklin requirements and
13 texted the neighbor that she had complied.
14

15 3. Bedford Jay Williams, a Caucasian Male neighbor, receiving the text came to the
16 door after dark and became visibly angry and agitated, demanding that the hens be
17 removed to the front of the property or he would call the police. (The same
18 neighbor has called animal control on the pets of other immigrant and Asian
19 families in the neighborhood on multiple occasions). When the plaintiff, Ru
20 Hogan, refused to remove the hens and explained that it would be impossible to
21 place them where he demanded, Bedford Jay Williams demanded to speak to her
22 white Caucasian husband, implying that a simple Asian Woman would not
23 understand and lacked agency to handle her own property, and when she still
24 refused to move her hens farther than the law would require, he began shouting
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1 profanity in her face, causing her trauma and fear of imminent violent bodily
2 harm.

3 4. As a result of animal control complaints of Bedford Jay Williams and/or Christi
4 Williams, adjacent neighbors, the City of Rocklin issued a warning citation for a
5 violation. In reply, on or about July 5, 2022, plaintiff served a letter for a request
6 of a reasonable accommodation to Heather Rodgers, City of Rocklin Animal
7 Control. The property, due to the shape of the lot and placement of the house was
8 approximately 36-40 inches too short to fully comply with the City of Rocklin
9 ordinance which permits up to 10 hens so long as they are housed 20 feet from
10 neighboring properties and the house. However the lot was nearly 3000 square
11 feet larger than Placer County ordinance which permits up to 6 hens on a lot of
12 5000 square feet or more (The neighbors to the East are Ukrainian immigrants
13 who enjoy the hens and against whom the Williams lodged multiple animal
14 control complaints against their dogs and when that failed planted toxic plants
15 (Oleander) against their common fence, the Western neighbor is a busy parking
16 lot and trash dumpster of a large apartment complex).

17 5. There was no immediate reply to the letter, nor any action taken until on or about
18 September 27, 2022 the City of Rocklin Police informed plaintiff that to obtain an
19 accommodation, she must apply to the Community Director within 30 days. This
20 was done. On or about October 22, 2022, plaintiff submitted a formal request for
21 reasonable accommodation to permit her to keep 5 hens so long as their coop was
22 at least 20 feet from the Northern property line. This request was supported by a
23 letter from a licensed therapist who specializes in treatment of PTSD.
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- 1 6. At this juncture, the City of Rocklin, its officers and particularly Community
2 Director Mohlenbrok had an affirmative duty under the Americans with
3 Disabilities Act and the California Fair Employment and Housing Act to engage
4 in a *good faith* interactive process to determine what course would be
5 “reasonable” under the circumstances (2 California Code of Regulations Title II
6 sect. 12177(a))
7
- 8 7. Throughout the process, Community Director Mohlenbrok was deceitful,
9 dishonest, and engaged in unlawful and abusive tactics, harassment and
10 gamesmanship to defeat the request for accommodation and in his own words to
11 “back her [the disabled Asian woman] into a corner.” (See Notes of Director
12 Mohlenbrok attached as Exhibit 1). Community Director Mohlenbrok set out
13 repeated obstacles for the plaintiff to hurdle only to grant and then immediately
14 revoke the requested accommodation as part of a pre-planned scheme which was
15 concocted between Mohlenbrok, the Caucasian American Neighbors and Ralph
16 Laird, attorney for Bedford Jay Williams and Christi Williams.
17
- 18 8. As part of the Scheme, on or about October 26, 2023, Community Director
19 Mohlenbrok first represented that he only had 5 days to decide from receipt of
20 the plaintiff’s request, and on that pretense demanded a second doctor’s letter.
21 Director Mohlenbrok gave this demand to Ru Hogan on the night of the 3rd day,
22 permitting her 16 business hours to obtain a second letter from a busy
23 professional, which she did. *However, on or about October 27, 2022, while the*
24 *City of Rocklin* was supposed to be in a “good faith interactive process,” animal
25 control officer Heather Rodgers appeared, pounding on the door with the first of
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1 a number of fines based on the hens being permitted out of their coop (the hens
2 were at all times enclosed by fencing and wire from which they could not and
3 never have escaped).

4 9. After receiving the 2nd doctors letter, director Mohlenbrok granted the
5 accommodation as requested *on condition that a 3rd doctors letter be obtained*
6 *within 14 days*. However, this letter was sent at 11:30 PM on a Friday which
7 truncated 3 days off that time. It was subsequently learned that Director
8 Mohlenbrok was sharing the medical condition and strategy for denial of the
9 accommodation with Ralph Laird of the Aronowitz Law firm, but failed to
10 disclose these communications to the plaintiff, Ru Hogan. Nor did Director
11 Mohlenbrok disclose that he did not plan on issuing the requested
12 accommodation no matter how many letters Ru Hogan obtained. Director
13 Mohlenbrok failed at any time to inform the plaintiff that there was opposition
14 to the accommodation request that she might respond or understand, while
15 sharing all information about the plaintiff and her condition with the neighbors
16 and their attorneys.

17 10. Heather Rodgers continued to come to the door in police uniform, alone or
18 accompanied by other officers to deliver increasingly onerous fines. The
19 purpose of the fines was to harass, humiliate and demoralize Ru Hogan. The
20 constant police visits and financial hardship was intended to force her to
21 surrender her claims and provide Director Mohlenbrok a pretext for denying the
22 accommodation requests. As such the fines were predatory, and intended to
23 inflict mental distress and cruelty on the plaintiff.
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11. In accordance with his stated goal of “Backing the Plaintiff into a Corner,”

Director Mohlenbrok rescinded the accommodation request and appeared unannounced at the plaintiff’s door with Rustin Banks, the Chief of Police for the ostensible purpose of ordering plaintiff to remove the hens.

12. This visit was declined, however, an appointment was made for the Director, the Chief of Police to view the chicken coop and run. During this visit, an unmarked, open and unsealed file was left open on the plaintiff’s patio. Among the contents were the notes of the community Director (Exhibit 1) and letters between the Aronowitz Firm communicating about plaintiff’s condition and accommodation request. The evidence inadvertently provided was beyond any reasonable doubt that Community Director Mohlenbrok, disclosed confidential information about the plaintiff to third parties, who used that information to further physically and psychologically harass her, and set up a campaign of fines and other obstacles to defeat her rightful claims

13. The conduct of the Director, the Williams, and the City of Rocklin Police was a substantial factor in causing the collapse and hospitalization of Ru Hogan, plaintiff to the mental ward of Kaiser Hospital on Suicide Watch commencing June 20, 2023.

14. In enforcing the fines, the City of Rocklin violated the due process rights of the plaintiff in presenting false and or misleading evidence and withholding evidence which was subpoenaed for that hearing. Officer Heather Rodgers testified under oath that:

a. *Plaintiff’s lot was “tiny” False.*

b. Hen coops are "large enough for a person to walk into" False. An Eglu hen coop is 3'1" x 3'3" and 2 feet 1in tall. Other commercially available backyard coops vary in size. Most do not permit human entry.

c. The ADA distinguishes between "Service Animals and Companion Animals. Companion Animals are not allowed in stores." False\

The question remains whether Officer Rodgers was lying or just poorly trained. Officer Rodgers testified that she had never had any Fair Housing training.

FIRST CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

15. Plaintiff realleges and incorporates paragraphs 1-14 of this complaint as though fully alleged herein.

16. Defendants, the City of Rocklin and Community Director David Mohlenbrok, as an individual and on behalf of the City of Rocklin engaged in a campaign of harassment and mental cruelty with the stated intent of "backing" a disabled immigrant woman "into a corner." That the Director acted with cunning and deceit to oppress and harass the plaintiff, Ru Hogan, holding out hope that she might keep her companion animals when at every turn setting obstacles, barriers and sanctions in order to manufacture a pretext for denial.

17. Community Director Mohlenbrok in collaboration with "Rustin" (see Exhibit 1) and other officers of he City government collaborated to impose "Daily Fines" on the plaintiff to elevate a low level animal complaint to a high level offense to oppress, demoralize and injury the plaintiff.

18. The conduct was intentional, cruel and was a proximate cause of mental suffering, depression and anxiety.

SECOND CAUSE OF ACTION
(Violation of California FEHA, Federal Fair Housing Act,
Housing Discrimination based on Race/Disability/National Origin)

19. Plaintiff realleges and incorporates paragraphs 1-18 of this complaint as if full
alleged herein.

20. That the City of Rocklin allied with Caucasian neighbors in a campaign of
prejudice and bigotry to deny a disabled woman of color a small but reasonable
accommodation. That The City of Rocklin through its officers and agents
including but not limited to the City of Rocklin Police and Community Director
David Mohlenbrok, after being notified of a request for reasonable
accommodation from a woman who had suffered a racial beating failed to engage
in a "Honest, good faith interactive Process" as required under State and Federal
law.

21. That Director Mohlenbrok, the Chief of Police, Rustin Banks, Officer Heather
Rodgers at all times knew the plaintiff suffered anxiety and depression and that at
as part of an unlawful and deceitful scheme directed by Director Mohlenbrok, the
officers appeared regularly at the plaintiffs door, berated her, even when she was
pleading in tears for the fines to be rescinded, continued their harassment for the
unlawful purpose of creating a pretext for denying a reasonable accommodation.

22. That these officers, including Heather Rodgers and/or Director Mohlenbrok
shared the details of plaintiff's disability with the Caucasian neighbors who used
the same information in physical harassment, directing spotlights into her
bedroom windows and clanging chimes to discomfit her.

1 23. As a proximate result of the actions of the City of Rocklin and Community
2 Director Mohlenbrok, plaintiff has suffered suicidal depression and been injured
3 as set forth below.

4 THIRD CAUSE OF ACTION
5 (Violation of Americans with Disabilities Act
6 Denial Accommodation)

7 24. Plaintiff realleges and incorporates paragraphs 1-23 of this complaint as if fully
8 alleged herein.

9 25. That the actions of the Community Director violate the Americans with
10 Disabilities act if failing to timely and meaningfully engage in an interactive
11 process. That the director acted with fraudulent and deceitful intent as an
12 individual and on behalf of the City of Rocklin.

13 26. That the delay, fines levied and unlawful conduct of the Community Director, the
14 City of Rocklin Police and other officers constitutes a material breach of the
15 Americans with Disabilities Act.

16
17 FOURTH CAUSE OF ACTION
18 (Negligent Infliction of Mental Suffering)

19 27. Plaintiff realleges and incorporates paragraphs 1-26 of the above-entitled
20 complaint as though fully set forth herein.

21 28. That the defendants, the City of Rocklin and Community Director David
22 Mohlenbrok acted negligently toward the plaintiff.

23 29. Defendants and each of them had a duty of care, among other things, to protect
24 the privacy of the plaintiff, to protect the civil rights of the plaintiff, and to act in
25 good faith in determining plaintiff's just requests.
26
27
28

1 30. That the City of Rocklin, through its officers, including but not limited to David
2 Mohlenbrok breached this standard of care and by doing so caused damage to the
3 plaintiff as set forth below.

4 Prayer for Relief

5 31. Plaintiffs prays the court award the following against defendants, the City of
6 Rocklin and David Mohlenbrok individually:

- 7
- 8 a) Compensatory Damages for Housing Discrimination based on Race, Gender,
9 Disability and National Origin in the amount of \$10,000,000.00
- 10 b) Punitive Damages for malicious, oppressive, and despicable conduct for express
11 purposes of denying an accommodation to a disabled person in an amount According
12 to Proof.
- 13 c) For negligent and/or Mental distress resulting from fraudulent, deceitful and cruel
14 conduct in the amount of \$10,000,000.00
- 15 d) For medical special damages in the amount of \$35,000.00
- 16 e) For general damages, pain and suffering, as a result of general negligence in the
17 amount of \$2,000,000.00
- 18 f) For injunctive relief, including but not limited to an order that defendants cease and
19 desist harassment of plaintiff and unlawful discrimination.
- 20 g) For Reasonable Attorney's fees pursuant to Statute.
- 21 h) For Statutory damages in according to proof.
- 22 i) For Costs of Suit.

23 Dated: October 31, 2023

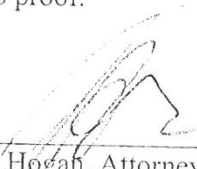
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27 Thomas M. Hogan, Attorney at Law
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EXHIBIT //

letter doesn't identify law or need to change City's stance

ADA vs "the Acts" (also referred as ADA, City has to broadly apply all

denied based on health & safety would be problematic

- we're not allowing or promoting free range

consider DM having conversation emphasizing no free range (site visit w/ animal control)

1/9/22

Ally
Rustin

CC no longer make decisions based on legal advice alone, totality of Circumst

- enforce & cite daily - free roam/ enclosure

PD, CDD & JN (ADA Guidelines)

have to step in enclosure enclosure

deny reasonable request * ADA

OK w/ risk

not allowed

be consider animal

enter & security

also have considered

security

= discuss City Any advice not
to take into account

Surrounding properties we
should

Ryan

Mtg w/ RU & PD hand deliver present conditional of

Manday - Rustin time schedule approval

correct

if have request then push into corner

1/21/22

Rustin Ally

Small snap or for any as possible

Rustin 400

evaluate & take pictures for consideration

accommodations made

both ways